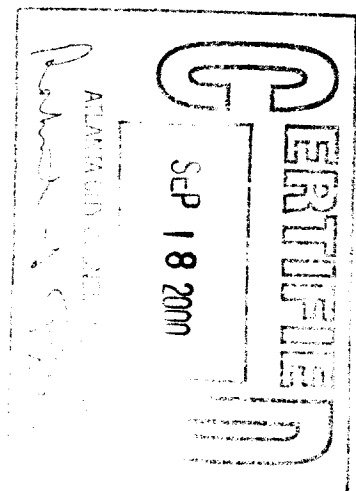


CLAIM OF: JOHN W. SHELTON, JR.  
1786 Tiger Flowers Drive, NW  
Atlanta, Georgia 30314

For damages alleged to have been sustained  
as a result of property damage due to a sewer  
back up on February 23, 2000 at 1786 Tiger  
Flowers Drive, NW..

THIS ADVERSED REPORT IS  
APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

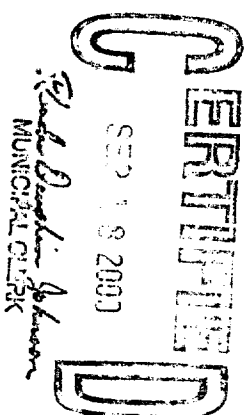


ADVERSED REPORT

COM: *Rubens Safety*  
9/12/00

*C. T. Newell*  
*Michael G. G.*

*Samuel Bell*  
*Michael G. G.*  
*Michael G. G.*



ADVERSED REPORT  
CITY COUNCIL SEP 18 2000

September 28, 2000

John W. Shelton, Jr.  
1786 Tiger Flowers Dr, NW  
Atlanta, GA 30314

**00-R-1370**

Dear Mr. Shelton:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 18, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400**.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0131

Date: August 22, 2000

Claimant /Victim JOHN W. SHELTON, JR.  
BY: (Atty) \_\_\_\_\_  
Address: 1786 Tiger Flowers Drive, NW, Atlanta, Georgia 30314  
Subrogation: Claim for Property damage \$ 200.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 02/28/00 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 02/23/00 Place: 1786 Tiger Flowers Drive, NW  
Department Public Works Division: Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges his property was damaged due to a sewer back up. The investigation determined that the City had no notice of any problems with the City's sewer line prior to the incident involving the claimant. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 08-22-00  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Reeves  
03/02/00

Today's Date: 2/25/00

Dear Municipal Clerk:

ENTERED - 3-6-00 - SB

00L0131 - MIKE REEVES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 200.00 or 300.00 property and/or  
\$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 2/23/00 2. Time of Incident: 9:00p.m. 3. Police called: Yes ☒ No

4. Location of incident (including street address): 1786 Tiger Flowers Dr. N.W.

5. Name of your insurance company: State Farm Policy No. 11-EF-6582-7

6. State what and how incident occurred: The sewer that be in the street  
was stopped up. and all that water filled my basement  
up.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL  
RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of  
repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by  
State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE  
INFORMATION IS TRUE AND CORRECT.

John W. Shelton Sr.  
Signature of Claimant

Mr John W Shelton  
(Print Claimant's Name)

1786 Tiger Flowers  
(Address)

Atlanta Ga 30314  
(City, State and Zip Code)

00- -1370

(Work Number)

(Home Number)

RCS# 2218  
9/18/00  
2:15 PM

Atlanta City Council

Regular Session

CONSENT

PAGES: 1-19

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

|           |            |           |             |
|-----------|------------|-----------|-------------|
| Y McCarty | Y Dorsey   | Y Moore   | Y Thomas    |
| Y Starnes | NV Woolard | B Martin  | Y Emmons    |
| Y Bond    | Y Morris   | Y Maddox  | Y Alexander |
| Y Winslow | Y Muller   | Y Boazman | NV Pitts    |

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-R-1321  
00-R-1322  
00-R-1388  
00-O-1435

**CORRECTED COPY**

CONSENT

|   |  | 09/18/00 Council Meeting   |
|---|--|--|
| ITEMS ADOPTED<br>ON CONSENT<br>AGENDA   |  | ITEMS ADVERSED<br>ON CONSENT<br>AGENDA   |
| 1. 00-O-1234<br>2. 00-O-1007<br>3. 00-O-1015<br>4. 00-O-1427<br>5. 00-O-1429<br>6. 00-O-1432<br>7. 00-R-1387<br>8. 00-R-1392<br>9. 00-R-1395<br>10. 00-R-1452<br>11. 00-R-1340<br>12. 00-R-1323<br>13. 00-R-1433<br>14. 00-R-0560<br>15. 00-R-0561<br>16. 00-R-1454<br>17. 00-R-1299<br>18. 00-R-1308<br>19. 00-R-1334<br>20. 00-R-1335<br>21. 00-R-1338<br>22. 00-R-1394<br>23. 00-R-1331<br>24. 00-R-1330<br>25. 00-R-1332<br>26. 00-R-1333<br>27. 00-R-1337<br>28. 00-R-1339<br>29. 00-R-1419<br>30. 00-R-1426<br>31. 00-R-1342<br>32. 00-R-1343<br>33. 00-R-1344<br>34. 00-R-1345<br>35. 00-R-1346<br>36. 00-R-1347<br>37. 00-R-1348<br>38. 00-R-1349<br>39. 00-R-1350<br>40. 00-R-1351 | 41. 00-R-1352<br>42. 00-R-1353<br>43. 00-R-1397<br>44. 00-R-1398<br>45. 00-R-1399<br>46. 00-R-1400<br>47. 00-R-1401<br>48. 00-R-1402<br>49. 00-R-1403<br>50. 00-R-1404 | 51. 00-R-1357<br>52. 00-R-1358<br>53. 00-R-1359<br>54. 00-R-1360<br>55. 00-R-1362<br>56. 00-R-1363<br>57. 00-R-1364<br>58. 00-R-1365<br>59. 00-R-1366<br>60. 00-R-1367<br>61. 00-R-1368<br>62. 00-R-1369<br>63. 00-R-1370<br>64. 00-R-1371<br>65. 00-R-1372<br>66. 00-R-1373<br>67. 00-R-1374<br>68. 00-R-1375<br>69. 00-R-1376<br>70. 00-R-1377<br>71. 00-R-1378<br>72. 00-R-1379<br>73. 00-R-1380<br>74. 00-R-1381<br>75. 00-R-1382<br>76. 00-R-1383<br>77. 00-R-1384<br>78. 00-R-1385<br>79. 00-R-1386<br>80. 00-R-1405<br>81. 00-R-1406<br>82. 00-R-1407<br>83. 00-R-1408<br>84. 00-R-1409<br>85. 00-R-1410<br>86. 00-R-1411<br>87. 00-R-1412<br>88. 00-R-1413 |